

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES A. JONES,)	C.A. No.:
)	
Plaintiff,)	JURY TRIAL DEMANDED
)	
v.)	
)	
UNITED STATES OF AMERICA)	
)	
Defendant.)	

COMPLAINT

1. Plaintiff James A. Jones ("Plaintiff") is an adult citizen and resident of this judicial district residing at 13 N. Kingcroft Drive, Bear, DE 19701.

2. Defendant United States of America is a sovereign entity with offices for service of process at the United States Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001 and at the United States Attorney's Office, 1007 North Orange Street, Suite 700, Wilmington, DE 19899-2046.

3. This action arises under the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680. This Court has jurisdiction pursuant to 28 U.S.C. § 1346.

4. At all times relevant hereto, Thomas Hoffman ("Hoffman") was employed by the United States Department of Justice and acting in the course and scope of his duties therewith.

5. On April 19, 2013, at approximately 2:07 p.m., Plaintiff was traveling in a northerly direction on Interstate 95 near the Mall Road offramp in New Castle County, Delaware, when he was suddenly and without warning struck from behind by a vehicle operated by Thomas Hoffman and owned by defendant United States of America.

6. Hoffman was negligent in that he:

- (a) Failed to keep a proper lookout;
- (b) Failed to give full time and attention to the operation of a vehicle in violation of 21 Del. C. § 4176(b);
- (c) Failed to maintain a proper lookout while operating a vehicle in violation of 21 Del. C. § 4176(b);
- (d) Operated a vehicle in a careless and imprudent manner without due regard for road, weather and traffic conditions then existing in violation of 21 Del. C. § 4176(a);
- (e) Failed to operate his vehicle at an appropriate speed;
- (f) Operated his motor vehicle at a speed greater than was reasonable and prudent and without regard for the actual and potential hazards then existing and failed to control the vehicle's speed so as to avoid colliding with the motor vehicle operated by plaintiff, in violation of 21 *Del. C.* § 4168(a);
- (g) Followed plaintiff's vehicle too closely, in violation of 21 *Del. C.* § 4123; and
- (h) Was otherwise negligent as will be determined in discovery.

7. As a direct and proximate result of Hoffman's negligence, as aforesaid, plaintiff sustained injuries including, but not limited to, cervical, lumbar, and thoracic sprain and strain, some or all of which may be permanent. He has suffered in the past, both physically and emotionally, and will continue to suffer in the future as a result of the permanent nature of his injuries.

8. As a further direct and proximate result of Hoffman's negligence, as aforesaid, plaintiff has incurred and will in the future incur medical expenses for which there is no available

Personal Injury Protection coverage, and hereby makes claim against defendant Hoffman for those expenses.

9. Pursuant to 28 U.S.C. § 1346(b), defendant United States of America is liable to plaintiff for the negligent and wrongful acts of Hoffman, as aforesaid.

10. On or about August 26, 2013, Plaintiff submitted an administrative claim for civil damages for the injuries sustained in the aforementioned accident to the United States Department of Justice in accordance with 28 U.S.C. § 2675(a). Plaintiff then submitted additional information regarding the claim on March 18, 2015 to the Bureau of Alcohol, Tobacco, Firearms and Explosives.

11. On or about September 22, 2015, Plaintiff received a letter from the United States Department of Justice with an offer for said claim. Plaintiff officially denied this offer thereby permitting Plaintiff to file this action.

WHEREFORE, Plaintiff demands judgment against defendant for general and special damages, together with interest and the costs of this action.

LUNDY LAW

/s/Katherine L. Hemming
Katherine L. Hemming, Esquire
Bar I.D. No. 5496
1600 Pennsylvania Avenue, Suite C
Wilmington, DE 19806
(302) 351-0771
khemming@lundylaw.com
Attorney for Plaintiff

DATED: February 18, 2016